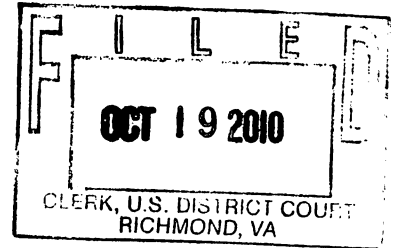


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KELVIN D. GOODE,

Plaintiff,

v.

Civil Action No. 3:10CV193

SARA E. CHASE, et al.,

Defendants.

MEMORANDUM OPINION

Kelvin D. Goode, a federal inmate proceeding pro se, submitted this action and has requested leave to proceed in forma pauperis. The pertinent statute provides:

In no event shall a prisoner bring a civil action [in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Goode has at least three other actions that have been dismissed as frivolous or for failure to state a claim. See, e.g., Goode v. Tucker, No. 6:09cv00387, 2010 WL 1542523, at *3-4 (E.D. Ky. Apr. 16, 2010); Goode v. Abbasi, 3:07cv207 (E.D. Va. Jan. 18, 2008); Goode v. Barry, No. 3:05cv405 (E.D. Va. Feb. 10, 2006); Goode v. Horan, No. 3:05cv69 (E.D. Va. Aug. 12, 2005). Goode's current complaint does not suggest that Goode is in imminent danger of serious physical harm. Accordingly, by Memorandum Order entered on August 20, 2010, the Court denied Goode's request to proceed in forma pauperis and directed Goode to

pay the full \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have passed since the entry of that Memorandum Order and Goode has not paid the filing fee.

Because Goode has not paid the filing fee, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court is DIRECTED to send a copy of the Memorandum Opinion to Goode.

Date: October 19, 2010
Richmond, Virginia

/s/ REP
Robert E. Payne
Senior United States District Judge